



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,282	01/12/2001	Koichi Ito	4041J-000354	2662

27572 7590 12/11/2002

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER

FORD, JOHN K

ART UNIT	PAPER NUMBER
----------	--------------

3743

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/760,282

Applicant(s)

Koichi Ito et al.

Examiner

FORD

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-13 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_

Application/Control Number: 09/760,282

Art Unit: 3743

In response to this action, applicants must furnish the Examiner with a copy of Japanese Unexamined Patent Publication No. H 8-258538 as well as to legend Figures 10A-11 and 13 "Prior Art" if they are, indeed, prior art.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

It is unclear to the Examiner how much of what is discussed in the Background of the Invention (specification, page 1, line 15 - page 7, line 2) is prior art either outright or by admission. Please make it clear in any response precisely what is prior art either by admission or based on the fact that it was made public and/or on-sale more than 1 year before the effective filing date of this application.

The Examiner cannot determine the state of this prior art at this time, and a clear understanding is required before searching will commence.

This application contains claims directed to the following patentably distinct species of the claimed invention: first species of AC/heater unit shown in Figures 1-3 and

Second species of AC/heater unit shown in Figure 9.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims appear to be generic.

Art Unit: 3743

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

This application contains claims directed to the following patentably distinct species of the claimed invention: first species of film door unit described in regard to Figures 4-5,

Second species of film door unit described on page 26, line 2 – page 27, line 1, (Figure 8),

Third species of film door unit described in regard to  
Figure 6 (specification page, 27, line 26 – ~~page~~ page 29, line 4), and

Fourth species of film door unit described on page 29,  
line 5 – page 30, line 21 (Figure 12) and an in-determinant number of additional species  
disclosed beginning at page 30, line 22 – page 31, line 15

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for  
prosecution on the merits to which the claims shall be restricted if no generic claim is  
finally held to be allowable. Currently, no claims appear to be generic.

Applicant is advised that a reply to this requirement must include an identification  
of the species that is elected consonant with this requirement, and a listing of all claims  
readable thereon, including any claims subsequently added. An argument that a claim  
is allowable or that all claims are generic is considered nonresponsive unless  
accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration  
of claims to additional species which are written in dependent form or otherwise include  
all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims  
are added after the election, applicant must indicate which are readable upon the  
elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably  
distinct, applicant should submit evidence or identify such evidence now of record  
showing the species to be obvious variants or clearly admit on the record that this is the  
case. In either instance, if the examiner finds one of the inventions unpatentable over

Art Unit: 3743

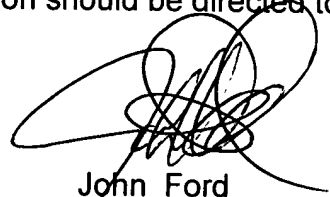
the prior art, the evidence or admission may be used in a rejection under 35

U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

To comply with this requirement, applicant must elect one of the two enumerated AC/heater species and elect one of the enumerated film door species. In the event one of the indeterminate number of additional (presently unillustrated) film door species, disclosed beginning at page 30, line 22 - page 31, line 15, is elected, applicant is required to submit a proposed drawing correction illustrating that elected species in at least as much detail as shown in the other four (already illustrated) species.

Any inquiry concerning this communication should be directed to John Ford at telephone number 703-308-2636.



John Ford  
Primary Examiner  
Art Unit 3743

**John K. Ford**  
**Primary Examiner**